

## PEP - Environmental Compliance Memorandum No. ECM99-02

To: Heads of Bureaus and Offices

From: Willie R. Taylor, Director  
Office of Environmental Policy and Compliance

Subject: Supporting Information for Central Hazardous Materials Fund Project  
Nominations

To help ensure compliance with statutory and Departmental requirements, Bureaus and Offices must provide to the Technical Review Committee ("TRC") of the Central Hazardous Materials Fund ("CHF") certain supporting information with nominations for project support from the CHF. Because the CHF is limited in the type of projects to which funding may be provided, this information is necessary to determine whether the nominated project meets eligibility requirements and satisfies applicable requirements established by legislation, by Departmental policy, and by Secretarial Order.

In particular, the legislation establishing the CHF provides that only remedial action and associated actions undertaken pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") may be eligible for CHF funds. For CHF funding purposes, remedial action and associated activities may include a broad range of activities undertaken in response to a release or threatened release of hazardous substances following the completion of a preliminary assessment/site inspection ("PA/SI") report, or the equivalent, as specified by National Contingency Plan ("NCP") (40 CFR Part 300).

Moreover, the Departmental Manual requires that Bureaus and Offices "aggressively pursue potentially responsible parties to correct their contamination of Departmental lands and facilities or to recover costs of cleanup" (518 DM 2.4.). The information requested herein will help ensure that funded projects have access to adequate financial and technical support to successfully address the cleanup of the site and recover, or avoid the incurrence of, associated costs.

While additional information may be requested, as needed, all projects nominated to the Department for support from the CHF will include the following information:

**1. Project Status:** Provide a two-three paragraph summary of the site's PA/SI report, or a copy of the most recently completed final decision document. For this purpose, relevant decision documents are those required or authorized under the NCP for response action undertaken pursuant to CERCLA. These documents include the site PA/SI report as well as the following:

### For Removal Actions

Action Memorandum

Engineering Evaluation/Cost Analysis ("EE/CA")

### For Remedial Actions

Remedial Investigation  
("RI")

Feasibility Study ("FS")

Proposed Plan

Record of Decision ("ROD")

**2. Map:** Provide a one-page map showing the location, known releases and other areas of concern at the site as well as the site's location within the state.

**3. Proposed Use of Funds:** Provide a multi-year project budget estimate, including out-year cost estimates, explaining how the Bureau will use funds to achieve measurable milestones through a process that is consistent with the NCP and is consistent with existing Government Performance Results Act goals and targets.

**4. NCP Administrative Requirements:** Identify the location, and provide an index, of the project's administrative record file (40 CFR §300.800-300.825); cost documentation file (40 CFR §300.160(a)(1)); community relations plan (40 CFR §§300.415(m) and 300.430(f)(3)); and Site Health and Safety Plan (29 CFR § 1810.120 and 40 CFR § 300.150). If these records do not exist, identify when they will be available and where they will be located. Successful competition for limited CHF support is dependent upon full compliance with these requirements.

**5. Regulatory Status:** Identify and describe the level of involvement of any other Federal or State agencies in response action or other activity at the site, including any existing or proposed permits, agreements, orders, or other regulatory or enforcement activities. This activity review must include any actions undertaken by Natural Resources trustees at the site.

**6. Project Team:** Provide the names, addresses, telephone/fax numbers, e-mail addresses and relevant experience of each member of the Project Team (Bureau Remedial Project Manager ("RPM") and Regional or Field Solicitor Office Attorney). Note if project team members are full time or collateral duty. Please identify the RPM's Bureau Supervisor and telephone number, and any available contractor support. The Federal Facilities Compliance Branch in the Office of the Solicitor will be responsible for identifying a Headquarters attorney to assist the Regional attorney assigned to the project.

**7. PRP Report:** Prepare a schedule showing how the Bureau will use CHF funding to prepare a baseline PRP Report if one has not already been prepared, and, if warranted, a Cost Recovery Plan; or describe what steps the Bureau will take in response to a completed PRP Report or to implement an existing Cost Recovery Plan.

**8. PRP Involvement:** Please identify any industrial, disposal or cleanup activities at the project undertaken by non-regulatory parties.

**9. Evaluation Methodology:** Explain how the Bureau will measure progress towards achieving the milestones identified in item 3.

**10. Other Funding:** Identify what other sources and amounts of funds have been spent by your Bureau or the Department on this site to-date. Especially note any NRDARF support and funded activities.

**11. Annual Report:** After the first year of CHF funding, an annual report is due by the end of the second quarter of the following fiscal year to the Director of the Office of Environmental Policy and Compliance evaluating the progress made in the previous year toward achieving the milestones identified in item 3.

Guidance documents to assist Bureaus in meeting these objectives are available on request from my office or the Office of the Solicitor, Branch of Federal Facilities Compliance.